

#4 0.4
6/25/02
PATENT



Practitioner's Docket No. 35015/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schlosser et al.
Application No.: 09/994,257
Filed: 11/26/2001

Group No.: 2855
Examiner: Lilybett Martir

For: METHOD OF MANUFACTURING A FLOWMETER FOR THE PRECISION
MEASUREMENT OF AN ULTRA-PURE MATERIAL FLOW

Box NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JUN 14 2002
TECHNOLOGY CENTER 2800

REMARKS

Dear Sir:

5 This responds to the Office Action of 23 April 2002 which set forth a
restriction requirement between:

Group I Claims 1-34 allegedly directed to a method of manufacturing a flow meter
and

10 Group II Claims 35-49 allegedly directed to a Coriolis flow meter.

As directed by the Examiner, the applicant elects, with traverse, to prosecute
the Group I claims including 1-34.

15 The applicant traverses with each assertion made by the Examiner in
support of the restriction requirement.

The applicant asserts:

- 20 1) the inventions are not distinct. The invention is a method and
apparatus that involves measuring a process fluid of ultra-high purity
without contaminating the fluid due to ion transfer.
- 2) the MPEP citation 806.05(f) is irrelevant. The MPEP is not law and is
merely U.S.P.T.O. advice to its employees.
- 25 3) the Examiner presented no persuasive arguments showing that the
group I and II claim have acquired a separate status. The asserted
differences in classification are of no probative value. It is hornbook

law that the U.S.P.T.O. classification system exists only for the benefit of the U.S.P.T.O. to aid it in its mandated chores. Its classification scheme is of no interest to anyone beyond the U.S.P.T.O. Therefore, the "proof" of different classification (and an extended search) is dispositive of nothing.

5

It is submitted that the group I and II claims are directed to the same invention. It is requested that the restriction requirement be withdrawn as being without merit and that all claims 1-49 be examined.

Respectfully submitted,
Faegre & Benson LLP

Date: 5/24/02



Curtis J. Ollila Reg. No. 47,833
Telephone: (303) 546-1300
Facsimile: (303) 449-5426

Correspondence Address:

Customer No: 32827

Type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/994,257	
	Filing Date	11/26/2001	
	First Named Inventor	Martin Andrew Schlosser	
	Group Art Unit	2855	
	Examiner Name	Lilybett Martir	
Total Number of Pages in This Submission	3	Attorney Docket Number	35015/002

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Response
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
- ☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

- ☐ Assignment Papers
(for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to
Group
- ☐ Appeal Communication to Board of
Appeals and Interferences
- ☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s)
(please identify below):

Remarks

It is believed that no fees are due in this matter. However, if it is determined that fees are due, the Commissioner is authorized to debit Deposit Account No. 03-1725 for the required fees.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Curtis J. Olila	Reg. No. 47,833
Signature		
Date	5/24/02	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 5/24/02			
Typed or printed name	Peggy L. Nieto		
Signature		Date	5/24/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.